

**REMARKS**

Reconsideration of all grounds of rejection and allowance of all the pending claims are respectfully requested in light of the following remarks. Claims 1-19, as shown above remain pending herein.

Claims 1-19 stand rejected under 35 U.S.C. §103(a) over Watanabe et al. (U.S. 6,084,888 herein after “Watanabe”) in view of Fischer (U.S. 6,640,325) and Falahati et al. (XP-103532427 “Hybrid Type-II ARQ Schemes with Adaptive Modulation Systems for Wireless Channels” pgs 2691-2695, IEEE 1999, herein after “Falahati”). Applicants respectfully traverse this ground of rejection.

It is respectfully submitted that the combination of Watanabe, Fischer and Falahati fails to disclose, suggest, or provide motivation to the artisan such that any of the instant claims would have been obvious to a person of ordinary skill in the art at the time of invention with knowledge of the combined teachings of the references.

While Applicants do not agree with the alleged contributions of Watanabe and Fischer to the combination of Watanabe, Fischer and Falahati, it is respectfully submitted that the combination of references would have failed to render any of the instant claims as obvious at the time of invention because Falahati does not teach what is alleged in the Office Action, thus the combination fails to provide such teaching, suggestion or motivation.

In particular, it is alleged in the Office Action that Falahati discloses at page 2690, column 1, lines 8-15 that Falahati discloses combining the stored payload block with a lost payload block. However, Falahati clearly discloses at column 2, lines 8-16 that the

retransmitted code word is retransmitted at a lower rate, combined with the originally transmitted word and checked for errors, and “if the received words at 1/3 rate still fails in correcting all detectable errors, the procedure repeats by transmission of C1, followed by C2 and so on. In other words, the codes are rates lower than 1/3 are provided by simple repetition. **This procedure continues until an error free reception is achieved.**” (Applicants emphasis in boldface).

Accordingly, Falahati discloses that requests for retransmission are made again and again, and the code words are transmitted at 1/3<sup>rd</sup> the rate on each subsequent retransmission, until a error free reception is achieved.

In contrast, for example, instant claim 1 has been clarified to recite in part that:

**when the retransmission of said particular packet contains a lost payload block, transmitting a request for retransmission to the source node only when a complete packet cannot be formed by the combining of the stored payload blocks and the re-transmitted payload blocks of said particular packet.**

Support for the above recitation is clearly found in the specification at least at page 8, lines 6-17, disclosing that the original data that was correctly received is stored and combined with the correctly received data of the retransmitted packet (or frame) to form a single correct packet (or frame) even if the retransmitted packet (or frame) has errors, so long as the missing payload or erroneously received frames are not the same. Thus, the present invention is more efficient than known heretofore in that there are not subsequent retransmission requests (such as in Falahati) when the retransmissions contains errors, provided that a packet or frame can be correctly reconstructed from the good data received from each.

It is respectfully submitted that the combination of references fails to disclose, suggest or provide motivation to the artisan such that any of the instant claims would have been obvious. Watanabe and Fischer are admittedly silent in this regard, and Falahati continues to request the source node to retransmit, which is preformed at slower rates, until error free reception is achieved. Thus, the combination of references fail to anticipate any of the instant claims.

Applicants respectfully submit that base claims 8, 15 and 17 have been amended with similar clarifications as in claim 1. Thus, for at least the above reasons, claims 1-19 are allowable. Reconsideration and withdrawal of this ground of rejection are respectfully requested

Claim 5 stands rejected under 35 U.S.C. §103(a) over the combination of Watanabe, Fischer and Falahati as applied to claims 1 and 4, further in view of Decker ("An Adaptive Type II hybrid ARQ/FEC Protocol suitable for GSM" 1994, IEEE, pages 330-333, herein after "Decker"). Applicants respectfully traverse this ground of rejection in that claim 5 is believed to be allowable at least because of its dependency on claim 1, which is believed to be allowable for the reasons indicated above. Applicants also note the addition of Decker to the combination of Watanabe, Fischer and Falahati still fails to disclose or suggest any of the instant claims. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 8-12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe, Fischer, Falahati and further in view of Kwon.

Applicants respectfully submit that at least for the reason that the combination of Watanabe, Fischer, Falahati and further in view of Kwon fails to disclose or suggest the

recitation that “wherein when the retransmission of said particular frame contains at least one erroneously received payload block, transmitting a request for retransmission to the source node only when a complete frame cannot be formed by the combining of the stored payload blocks and the re-transmitted payload blocks of said particular frame” that base claim 8 is not obvious in view of the combination of references, and claims 9-12 and 14 are believed to be allowable at least for their dependency on claim 8. Claim 14 is believed allowable for at least the same reason, dependence on an allowable base claim.

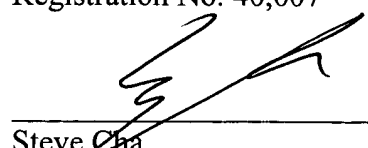
Claim 13 stands rejected under 35 U.S.C. §103(a) over Watanabe, Fischer, Falahati and Kwon as applied to claims 8-12 and 14, and further in view of Decker. Applicants, for the reasons indicated above in the traversal of claims 8-12 and 14, similarly traverse this ground of rejection. The addition of Decker to the combination still fails to render even the base claim (8) to be obvious, and does not render claim 13 obvious. Reconsideration and withdrawal of this ground of rejection are respectfully submitted.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date: April 15, 2004

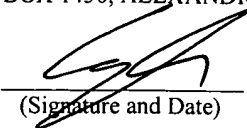
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